

22 April 1988
OCA 88-1214

MEMORANDUM FOR THE RECORD

SUBJECT: Office of Government Ethics - Senate Reauthorization Hearings

1. On 12 and 13 April 1988, the Oversight of Government Management Subcommitttee, Senate Governmental Affairs Committee held hearings on the reauthorization of the Ethics In Government Act and the Office of Government Ethics (OGE).

2. 12 April. The first day was an overview of the Act and the recent history of ethics-in-government issues with various witnesses including: Archibald Cox; Lloyd Cutler and John Keeney, Criminal Division, Department of Justice. There was also a panel of individuals including: Michael Josephson, Marshall Breger, James Carroll, and Robert Roberts.

3. Messrs. Cox and Cutler were generally supportive of the Act and the supporting structure.

4. Mr. Keeney was questioned about prosecutions of ethics cases by the Department of Justice. Subcommittee Chairman Levin took issue with Keeney on Keeney's decision that ethics cases which did not have "jury appeal" should be not prosecuted.

5. Levin raised the problem that a declination of prosecution is often used to block civil/administrative ethics proceedings. Keeney did not share Levin's concern.

6. Keeney opined that the existing legislation was generally sufficient except for a proposal for adding members of Congress to the group covered.

7. 13 April. On 13 April 1988, the hearing continued with the principal witness being Judge Frank Nebeker, Director, OGE. Witnesses' statements are attached. The hearing was chaired by Senator Levin with Senator Cohen also present. Senator Levin asked the Judge to provide by the end of the next week any statutory language the Judge wished the Subcommittee to

include in the authorization bill it would introduce. They also discussed the issue of how OGE can conduct an investigation without interfering with a parallel investigation by an independent counsel or the Department of Justice.

8. Other Witnesses. The witnesses from the General Accounting Office did not add much of substance to the hearing. A former OGE director recommended that the financial disclosure statement forms be made simpler. He also suggested that OGE be made an independent agency. Representative Schroeder has introduced a bill, H.R. 4319, to do ~~this~~.

Legislation Division
Office of Congressional Affairs

Attachments

OCA/LEG [redacted] (19 April 1988)

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